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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

To: The Commission

REPLY OF COSMOS BROADCASTING

Cosmos Broadcasting Corporation ("Cosmos"), licensee of television station WIS(TV), NTSC Channel 10, Columbia, South Carolina, by its attorneys, and pursuant to 47 C.F.R. § 1.429(g), hereby replies to the Comments filed July 18, 1997, by Lewis Broadcasting Corporation ("Lewis") in response to the Petition for Reconsideration of the *Sixth Report and Order* in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("*Sixth R&O*") submitted by Cosmos ("Petition").^{1/}

In its petition, Cosmos proposed that the Commission change WIS(TV)'s DTV assignment from Channel 41 to Channel 11. The reassignment would result in adjacent channel operation with its NTSC Channel 10 and thus allow Cosmos to share equipment, take advantage of reduced DTV roll-out costs and expedite the transition to digital television. Optimal use of lower channels represents a more efficient use of spectrum because these channels, which may be operated less expensively than channels higher in the band, would

^{1/} Cosmos was served with Lewis's Comments by mail. Accordingly, pursuant to Sections 1.429(g) and 1.4(h) of the Commission's rules, this reply is timely.

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not remain fallow. Although Cosmos recognizes that the proposed reassignment could result in short spacing with other stations, preliminary analysis leads Cosmos to believe that it could resolve concerns of interference through technical means (such as employing directionality techniques or adjusting power or height) or engineering agreements with affected broadcasters, if necessary.^{2/}

Lewis opposes Cosmos's proposal by urging that the Commission limit channel reassignments to instances where "clear interference issues or coverage disparities are present."^{3/} Lewis is concerned that Cosmos's proposal would create a "'daisy-chain' scenario that would affect other DTV channel assignments."^{4/}

Lewis's contention that modifications should be limited to instances of "clear interference" is contrary to the Commission's policies in this proceeding. Throughout the *Fifth* and *Sixth R&O's*, the Commission has consistently relied on principles of spectrum efficiency and free markets. Allowing broadcasters to identify for themselves discrete, meritorious modifications that would increase spectrum efficiency is harmonious with these principles. The Commission has never proposed the qualification urged by Lewis. Furthermore, the Commission has noted the importance of broadcaster cooperation in the face of the difficulties raised by the transition to DTV. Cosmos will gladly cooperate with fellow broadcasters who raise legitimate concerns and will work to seek agreements in those

^{2/} The Commission has suggested that it would encourage agreements among broadcasters to resolve spectrum issues. *See*, 47 C.F.R. §73.623(f) and *Sixth R&O* at ¶42.

^{3/} Comments at 2.

^{4/} *Id.*

cases. However, the Commission should not adopt modification qualifications that would preclude the opportunity for broadcasters to negotiate changes to the DTV Table.

Lewis's other concern about "daisy-chain" interference is misplaced. Cosmos is proposing a single DTV reassignment in Columbia, South Carolina. Cosmos supports the Commission's efforts to bring the full implementation of digital television to the public as quickly as possible. However, as stated in the Petition, in generating the DTV Table, the Commission effectively underestimated the amount of total interference, potentially resulting in a less-than-optimal Table of Allotments.^{5/} Rather than slow the transition to DTV by engaging in a full regeneration of the DTV Table, Cosmos believes, as do others,^{6/} that the Commission should reconsider DTV allotments in *discrete* situations where meritorious solutions are proposed.

Such is the case with Cosmos's proposal that the Commission reassign WIS(TV)'s DTV channel. Cosmos anticipates that it can resolve interference concerns, should they exist, through technical solutions. Under the Commission's guiding principle of minimizing interference, there is little chance that this single proposal by Cosmos could somehow spread interference throughout the region in virus-like fashion. By resolving interference concerns raised by this solitary proposal, other parties will have no need find new allotments and the daisy-chain will never commence. Arguments such as those of Lewis opposing the improvement of the DTV Table in these discrete instances are logically incomplete and

^{5/} Petition at 4.

^{6/} See, e.g., Petition for Clarification and Partial Reconsideration submitted by the Association for Maximum Service Television and the Broadcasters Caucus and other Broadcasters.

should be rejected. Instead, the Commission should rely on its well-considered principles in evaluating whether proposals to modify the DTV Table are meritorious.

For the foregoing reasons, and for the reasons set forth in the Petition, the Commission should reconsider the assignment of DTV Channel 41 and reassign DTV Channel 11 to WIS(TV).

Respectfully submitted,

COSMOS BROADCASTING CORPORATION

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply of Cosmos Broadcasting Corporation was sent by first-class mail, postage prepaid, this 31st day of July, 1997, to each of the following:

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